

MT LEGISLATIVE HISTORY

Chapter 412 1989

Bill (H) 393 S _____

Original bill & hist. C

H. Committee on Judiciary

S. Committee on Judiciary

Hearing Date(s) Feb 07 ✓ C

Hearing Date(s) Mar 16 ✓ C

Feb 15 ✓ C

Mar 17 ✓ C

 C

 C

 C

 C

Date Out Feb 15 ✓ C

Mar 17 ✓ C

Did this bill originate in an interim committee? Yes No

Committee

Report

"slip through the cracks" and later be driving and causing injury to themselves or to others. He urged passage of the bill.

Questions From Committee Members:

Senator Mazurek wondered how broadening the law would affect the "game playing" aspect of the situation. Barb Moy thought the bill would reduce the number of players, as youths driving around in a car could get picked up even if there was no alcohol in it.

Senator Mazurek said criminalizing consumption would be appropriate in getting treatment, but he wondered if it would be consistent with adult law. Rep. Strizich said he thought it was, given the compromise of including youth aged 18 through 21. He said the role of youth court was considerably different from other courts aimed at adults. Under our constitution, we can do things relating to youth in the best interest of them, he said.

Senator Mazurek said present law doesn't allow for this issue. Rep. Strizich agreed.

Senator Beck asked if a breathalyzer test would be used on youths who were picked up under suspicion. Representative Strizich said it would place the burden of "probable cause" on the police officers. Captain Sayer said the police are not allowed to demand a blood test, but that, generally, the kids would admit to their intoxication. He said the police can't give breathalyzer tests without the permission of the parent.

Senator Beck asked if penalty was \$100. Capt. Sayer said it was \$100 for adults and \$50 for under 21.

Closing by Sponsor.

Representative Strizich said the exemption in the bill came about as a compromise on the floor of the House. The main reason for the bill was because of the problem in the schools, he said. He announced that Senator Vaughn would carry the bill on the floor of the Senate.

HEARING ON HOUSE BILL 393

Presentation and Opening Statement by Sponsor:

Representative Paula Darko of Libby, representing District

#2, opened the hearing said House Bill 393 was intended to coordinate with HB 495, just heard and had been amended quite a bit to pass. It now increases the penalties for persons cited for possession over the age of 18 and also orders community-based substance courses whether or not they can pay for them. The bill, she said, ordered some kind of community restitution in payment for the course, if the person cannot pay for it. She said the bill did not pass the House overwhelmingly because it increased the penalty for mischief. She called attention to the penalties on page 18. She said the compromise reached provided for a graduated penalty schedule for additional citations. She said multiple citations were a problem that needed to be addressed.

List of Testifying Proponents and What Group They Represent:

Wallace Jewell, representing the Montana Magistrates
Association

Barbara Moy, Lewis and Clark Stop DUI Task Force

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Wally Jewell said it is frustrating when youths come through the courts as many as 22 times for possession. He urged concurrence of the bill presenting written testimony to the committee (see Exhibit 6).

Barbara Moy concurred with the testimony given by Rep. Darko.

Questions From Committee Members:

Senator Beck asked if a youth with a DUI would receive the same penalty as an adult. Rep. Darko said they would receive revocation, over or under 18 years of age. He asked if the fine would be added on and she said she thought so, but felt it would be up to the judge.

Senator Yellowtail asked if the problem wasn't the same for a 19-yr.-old senior in high school as an 18-yr.-old when "consumption" could be used. The reason for the language to raise the penalties on the 19- to 21-year-old, she said, was to strike a compromise by making it harder to convict a minor of possession.

Closing by Sponsor:

Rep. Darko closed saying she felt the penalties would help possession offenders to realize the seriousness of the offense. She said Senator Vaughn would carry the bill.

At this point in the hearing, Chairman Crippen returned to the meeting and assumed the chair.

HEARING ON HOUSE BILL 425

Presentation and Opening Statement by Sponsor:

Representative John Vincent of Bozeman, representing District #80, presented statistical charts calling attention to the problem of DUIs. He said that, on Friday and Saturday nights, the national average of drunk drivers is 1 in 10, but that in Montana, it is higher even up to 6 or 7 out of 10. For every 2000 drunk drivers on the road, he said, only one is ever arrested. The leading single cause of death for Montanans aged 15 to 40 is drunk driving. The percentage of drunken driving deaths has risen 10% since 1986. He thought deterrence, punishment and help were the ways to approach the problem. He said that drunken driving is the greatest cause of years of life lost in America. He commented that HB 425 had been improved with the amendments added in the House as it shifted toward treatment and rehabilitation, and not just license suspension. Secondly, it makes sure that anyone who commits a second offense gets the penalty for a second offense, he stated. Many citizens who have had the mandatory 1 day in jail go "per se" on the second offense and escape a mandatory day in jail. They have, he said, been getting a lesser penalty on the second offense. The third thing the bill does, he said, is to state that, for purposes of establishing previous convictions, the clock is running between the first conviction to the next offense, rather than from the first conviction to the second conviction. This, he said, is a technical point to help judges administer the law. The bill stiffens the penalties on the third offense, making the fine between \$500 and \$100 mandatory, rather than discretionary, he added. Present law mandates a jail term, but not a fine. Many states have much stiffer penalties, he commented. He said that, as originally introduced, the bill struck the provision in present law that if a DUI has no additional offenses over a period of 5 years, the initial offense is stricken. This was amended out in the House, but he thought it should have been left in because it did not

51st LEGISLATIVE SESSION -- 1989

Date 3-16-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN			✓
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT			✓
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.



DATE 5-16-81
 BILL NO City-County Building HB 425
 P.O. Box 1723
 Helena, Montana 59624
 Telephone 406/443-1010

LEWIS AND CLARK COUNTY

STOP-D.U.I. Task Force

Health Department

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 393, *(HB 425, HB 495, HB 501 primary focus)* and HB 606 for the following reasons:

Drinking is a factor in 80%-90% of traffic fatalities.

A large percentage of individuals arrested for DUI are diagnosed as either alcoholic or problem drinkers.

The BAC of a person arrested for DUI is generally .10% or more, with BAC'S of .18% to .20% being average. To reach a BAC of .10% or more, an abnormal use of alcohol is required.

Because many DUI offenders are either alcoholic or problem drinkers, they need appropriate strategies that compel them to abstain from drinking altogether.

Teenagers are more prone to becoming alcoholic/chemically dependent than adults because their bodies simply are not developed physiologically, psychologically, or emotionally. The younger youth are when they begin to drink, the greater their risk of developing the disease of alcoholism. Currently, alcohol-related motor vehicle crashes constitute the leading cause of death for youth of driving age.

Drug and alcohol counselors in the Helena area are seeing youth who have 4, 5, and 6 M.V. charges!

A recent drug and alcohol survey administered to Helena School District # 1 students (grades 7 thru 12) reveals this information:

32.8% of students in 11th & 12th grades are "at risk" from alcohol use.

60% of students in 11th and 12th grades have reported drinking while driving.

20% of students in grades 7 thru 12 have reported their school work is affected by chemical use.

According to H. Laurence Ross, a speaker at a Highway Safety Conference, 1984, "Drunk driving is normal in this society. It is a natural product of our social institutions, particularly our patterns of drinking and recreational activities and our patterns of transportation." Our society will continue to experience the repercussions of alcohol-related incidents and fatalities until the vast majority of people decide that drinking and driving is unacceptable and will not be tolerated. Therefore, the Helena/Lewis and Clark County STOP-DUI Task Force supports the above mentioned House Bills as they will provide for stricter enforcement and handling of persons who unlawfully use intoxicating substances.

It's because we care.



Mike Hanson
 April
 Helena School

COUNTY COMMISSIONERS

DON PETERSON

District One

RAY HARBIN

District Two

GERALD L. NEWGARD

District Three

TREASURER

PATRICIA J. COOK

CLERK AND RECORDER

SURVEYOR

LORIN JACOBSON

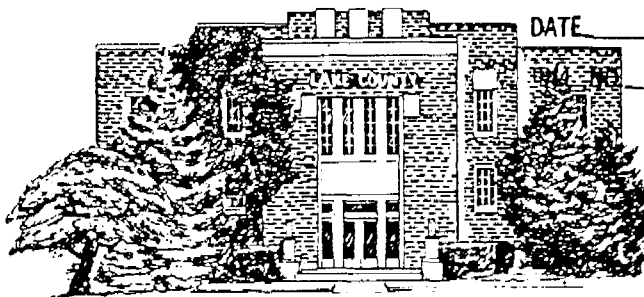


EXHIBIT NO. 15

DATE

3-16-89

ASSESSOR
LENORE A. ROATSHERIFF AND CORONER
JOE GELDRICHCLERK OF COURT
KATHERINE E. PEDERSENSUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELLCOUNTY ATTORNEY
LARRY J. NISTLERJUSTICE OF THE PEACE
CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

March 15, 1989

Senate Judiciary Committee
Bruce D. Crippen, Chairman
Room 325
Capitol Station
Helena, MT 59620

Dear Members:

The Lake County DUI Task Force respectfully requests your support of House Bills 425, 334, 393, 495, and 582 for the following reasons:

According to the Montana Board of Crime Control, Repeat DUIs have increased 49% from 1984 to 1987. Repeat offenders with a 3rd or more offense increased 92% from 1985-1987. In 1987 there were 234 fatalities, 59% were alcohol related. Due to the fact that alcohol related fatalities remain the leading cause of death for youth of driving age, it is imperative that our laws amplify that drinking and driving will not be tolerated. The 1988 State of Montana Board of Crime Control, Juvenile Referral Summary Report states that Lake County reported a total of 94 cases where the primary referral was Children in possession of intoxicating substances. Tribal Youth Court reported 96 liquor violations. The State-wide number in both referral categories was 1,484. This indicates that a very high percent of youth court referrals are alcohol related.

In 1987, Lake County reported a total of 395 DUI convictions or 23.1 per 1000. It is obvious that immediate action must be taken to increase the awareness that Drinking and Driving is causing unnecessary deaths, that it is not acceptable behavior and without appropriate treatment we will continue to see multiple offenders and an increase in alcohol related traffic fatalities.

Sincerely,

Ruth Hodges

Director

Lake County DUI Task Force

VISITORS' REGISTER

SENATE JUDICIARY COMMITTEEBILL NO. DATE 16 MARCH '89.SPONSOR

L#

25

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Wally Jewell	MT MAG ASSOC	X	
Judy Griffith	Helena Project CARE	X	
Carol Miller	MT Self	X	
Rayleen Beaton	Helena-City Commissioner	X	
Lois K. McMeekin ^{HB 425, 393, 495, 582}	Helena-Stop DUI Task Force		
Dale F McMeekin	Helena Stop DUI & AHRP		
Brian Elliott	MTS Justice	X	
Mike Pappas	Boyd Andrew CDC	X	
Leonard Whitman	Jefferson Co. DUI Task Force	X	
MIKE DASILVA	HELENA LSC & DUI Task Force	X	
Sue Kungurken	Chem Relap Programs & Monitoring	✓	
Ray May	LA CLARK Co. STOP DUI COORD.	X	
Clair Pantrell	Bozeman, MT	X	
Mike Cronin	Helena STOP DUI Task Force AAA	X	
Ben Howard	MT Motor Carriers Assn	X	
Shelly Laine	City of Helena	X	
Janet Jones	Dept of Fr Stitution	X	
Alice Armstrong	L-C - DUI Task Force	X	
Wally Jewell	MT MAG ASSOC	X	
Wally Jewell	" " "	X	

382

393

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. X

D.P. GALT

JEFF CO DUI TASK FORCE

used in churches. Senator Mazurek said there had many alcohol abuse experts present at the hearing and that none testified in opposition of the bill.

Amendments and Votes: None

Recommendations and Votes: Senator Jenkins MOVED that House Bill 606 BE CONCURRED IN. The MOTION CARRIED on a vote of 5 to 4 with Senators Harp, Pinsoneault, Yellowtail and Crippen voting NO.

DISPOSITION OF HOUSE BILL 393

Discussion: Valencia said the bill increases the penalty for possession in minors between the ages of 18 and 21. They essentially gutted the bill in the House and the heart of the bill was on p. 18, she said.

Wally Jewell said he had favored the bill before it had been "gutted." He said he thought it would help in the prosecution of youths and possibly discourage the consumption of alcohol.

Amendments and Votes: None

Recommendations and Votes: Senator Pinsoneault MOVED that House Bill 393 BE TABLED. After further discussion, he WITHDREW his motion.

Senator Halligan MOVED that House Bill 393 BE CONCURRED IN. The MOTION CARRIED by a vote of 7 to 2, with Senators Beck and Jenkins voting NO.

DISPOSITION OF HOUSE BILL 495

Discussion: Senator Jenkins said the bill was to remedy the law that, if a person under 21 has been discovered to have consumed alcohol or drugs, they cannot be charged with possession. Senator Halligan said "constructive possession" is sometimes charged when there is no actual possession. Valencia said "probable cause" could apply.

Amendments and Votes: None

Recommendations and Votes: Senator Jenkins MOVED that House Bill 495 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-17-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN			✓
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

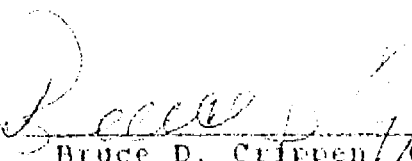
March 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 393 (third reading copy -- blue), respectfully report that HB 393 be concurred in.

Sponsor: Darko (Vaughn)

BE CONCURRED IN

Signed: 

Bruce D. Crippen/Chairman

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311718
2:40
2:10
scribb393.317

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 3-14-89 House Bill No. 393 Time #2

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	<i>absent</i>	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Sen. Halligan - Be Concurred

ROLL CALL VOTE

SENATE COMMITTEE _____ JUDICIARY _____

Date 3-17-89 House Bill No. 393 # 1 Time 1

NAME	YES	NO
SEN. BISHOP		
SEN. BECK		
SEN. BROWN		
SEN. HALLIGAN		
SEN. HARP		
SEN. JENKINS		
SEN. MAZUREK		
SEN. PINSONEAULT		
SEN. YELLOWTAIL		
SEN. CRIPPEN		

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Pinsonneault Tabled. With
drawn

where drugs should not be brought in to.

HEARING ON HOUSE BILL 414

Presentation and Opening Statement by Sponsor:

Rep. Spaeth stated that HB 414 increases the fine from \$50 - \$250 for minors in possession for each offense. This bill also changes the penalty for an adult 18 - 21 years of age, which is considered an adult under the laws of the State of Montana, that is in possession of alcohol but are still unable to drink. This changes to a misdemeanor and the fine is \$500 or six months or less in jail.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association

Proponent Testimony:

Wally Jewell stated that he agreed with Rep. Spaeth and would urge the committee's support (See EXHIBIT 9).

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Rep. Spaeth closed the bill.

HEARING ON HOUSE BILL 393

Presentation and Opening Statement by Sponsor:

Rep. Darko stated that HB 393 redefines possession so that it also includes consumption. This bill also allows for misdemeanor charges to be filed against a person of 18 years or older by \$500 or six months in jail. HB 393 directly or indirectly through community services pays for their court ordered treatment. There are people that can't afford the court ordered treatment so there must be some way that they can pay for it, by community service, etc.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association
Mike Ruppert, Boyd Andrew Chemical Dependency Cure Center

Judy Griffith, Helena Project CARE & Lewis and Clark DUI Task Force

Mike DaSilva, Helena Stop DUI Task Force

Proponent Testimony:

Wally Jewell stated that one point that hasn't been brought out today is that all of these things are directly related.

From June of 1986 to June of 1987 there were only 329 misdemeanor criminal convictions in Havre. Of these convictions 65% or 213 of them were alcohol related. Of these 213 alcohol related criminal offenses, 31% were committed by people under the age of 21 (EXHIBIT 10).

Mike Ruppert stated that he doesn't know if there is a way to not make adolescents drink. The problem with adolescents drinking is that the younger a person begins to consume alcohol on a regular basis, the greater the risk of developing chemical dependency. The best thing they can do is to encourage people to wait until they are adults before they choose to consume alcohol. Adults chances of becoming an alcoholic are about 1 out of 8 as compared to a senior in high school whos chances of becoming an alcoholic is about 1 out of 5. The chances for a sophomore or below of becoming an alcoholic is 1 out of 2.

Judy Griffith stated that she supports all of the bills that strengthen the minor in possession and the DUI laws. Alcohol by adolescents is out of control in our country, and in our state and that is due in large partly to the very ambiguous message that children receive from adults. A minor in possession charge is not taken seriously by many young people.

Mike DaSilva stated that before we knew much about alcohol, if people drank before 5:00 p.m. it was serious business. He said they did a survey and around 25% of our high school kids are drinking before school in the morning, or during school. That means we have a school system that is turning out 1/4 of the kids that have the potential of developing a life long debilitating problem. Alcoholism will kill them in one way or another if we don't control it for them.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked

Closing by Sponsor:

Rep. Darko stated that she wants the committee's help on the definition of consumption. Students should be allowed to learn from their mistakes, that is how we all learn.

HEARING ON HOUSE BILL 497

Presentation and Opening Statement by Sponsor:

Rep. Darko stated that HB 497 allows for the judge to suspend the drivers license of the minor in possession, whether the minor was driving or not. The bill also increases the penalties for DUI subsequent offenses, 90 days the second offense up to one year. The main section deals with the minor in possession and the suspension of the drivers license. With the suspension of license it not be allowed to be used by insurance companies to drive up insurance rates and it would not count for points on drivers records if the suspension of the drivers license was not tied to a driving offense.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association
Barbara Moy, Lewis and Clark DUI Task Force
Judy Griffith, Helena project CARE and Lewis and Clark DUI Task Force
Peter Funk, Assistant Attorney General, Department of Justice

Proponent Testimony:

Wally Jewell presented exhibits supporting HB 497 (See EXHIBITS 11, 12 and 13).

Barbara Moy stated that they support the measure for MIP. Youth is the target area on the Task Force and any education, information, treatment or counseling that they can provide they will.

Judy Griffith stated that bill holds one consequence and will get the attention of young people and their parents, the loss of the right to drive the automobile is more important to them than the loss of the right and left arm to a teenager. The moment the parents begin to realize that they are going to be ferrying their children about for a few months as a result of a minor in possession, parents will take a more serious look at their youth and drinking.

Peter Funk stated that first of all he wants the committee to understand that this bill does not confer additional authority on sentencing courts. This bill amends the provisions of Title 61, which is the motor vehicle code. The general scheme of suspension or revocation of drivers licenses in Montana is that the division of motor vehicles

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 7, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

7 February 1989

Testimony offered in support of HB393, a bill for an act entitled: "An act relating to possession of an intoxicating substance; clarifying that possession of an intoxicating substance includes consumption of the substance."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The MMA would support any effort to stop the alcohol abuse cycle. It is exceedingly frustrating when a 19 year old youth comes before the court for the 3d time in 6 months for the same offense and the court can do nothing to effect a change in the person's behavior.

It is exceedingly frustrating when a father is in jail for theft and he was so drunk when he was arrested that he can't remember why he was arrested, where he was when he was arrested, or how he got the 6 stitches in his forehead. This same man is upset when his 19 year old son is arrested for illegal possession of alcohol - "where did he get such a crazy idea" said the father.

If we can in some way impress upon our youth that this alcohol related behavior is wrong and could lead to worse alcohol related behavior, perhaps our courts would not be spending such a large percentage of their time with alcohol related offenses. I have handed out information relating to the rate of involvement of alcohol in criminal offenses.

From June of 1986 to June of 1987, there were 329 misdemeanor criminal convictions in Havre City Court. Of these, 65% (213) were alcohol related. Of these 213, 31% (66) were committed by youth under 21 years of age. From January to March of 1988, youth under 21 were responsible for 42% of alcohol related crime in Havre.

At some point in time we hope someone will say enough is enough. If alcohol possession by those under 21 is illegal then we hope the legislature gives the courts the tools with which to work so we can positively effect their behavior.

We encourage your support of HB393.

Wallace A. Jewell

1494 E. Fifth St.
Libby, Montana 59923
February 2, 1989

Dear Mr. Just,

It has been brought to my attention
that bills are being drafted to deal
with alcohol abuse by our teenagers. This
problem greatly concerns me. I served
on the School Board for fifteen years
and the advisory board of our local
Community Intervention

It is frustrating to find our laws
greatly restrict our ability to deal with
our teenagers' alcohol problems. I
would appreciate any help you can offer.
I see that bills drafted contain
"conviction for consumption" and
increased penalties for violators.

Sincerely,
Lenore Boyen
(Lenore Boyen)

JUDICIARY

COMMITTEE

DATE FEB. 7, 1989

SPONSOR REP. DARKO

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CARRIED.

Rep. Hannah questioned if this solves the constitutional problem? What does this bill accomplish? Rep. Strizich addressed Rep. Hannah's concern by stating that this bill tries to allow some intervention where there currently is none. It comes down to a practical matter.

Recommendation and Vote: A DO PASS AS AMENDED motion was made by Rep. Strizich, seconded by Rep. Darko. Motion CARRIED with a Roll Call Vote of 10-ayes, 8-nays.

DISPOSITION OF HOUSE BILL 393

Motion: A DO PASS motion by Rep. Darko was made, seconded by Rep. Wyatt.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Daily moved amendments (EXHIBIT 10), motion seconded by Rep. Darko. Motion CARRIED.

Recommendation and Vote: Rep. Darko motioned DO PASS AS AMENDED, seconded by Rep. Boharski. A vote was taken and CARRIED unanimously that HB 393 DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 422

Motion: Rep. Eudaily moved HB 422 DO PASS, motion seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Eudaily moved the proposed amendments (EXHIBIT 11), motion seconded by Rep. Stickney. Motion CARRIED.

Recommendation and Vote: Rep. Eudaily motioned DO PASS AS AMENDED, motion seconded by Rep. Aafedt. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 493

Motion: A DO PASS motion was made by Rep. Strizich, motion seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Strizich moved the proposed amendments (EXHIBIT 12), motion seconded by Rep. Brooke. Motion CARRIED.

Rep. Knapp commented that his objection to this bill is that it is a surtax bill and that they don't like to administer the

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that HOUSE BILL 393 (first reading copy -- white) do pass as amended.

Signed: _____
Dave Brown, Chairman

And, that such amendments read:

1. Title, lines 5 through 7.

Strike: "CLARIFYING" on line 5 through "SUBSTANCE;" on line 7.

Insert: "INCREASING THE PENALTY FOR A PERSON BETWEEN 19 AND 21
YEARS OF AGE WHO POSSESSES AN ALCOHOLIC BEVERAGE;"

2. Title, line 10

Strike: "SECTIONS 45-2-101 AND"

Insert: "SECTION"

3. Page 1, line 13 through line 3 on page 18.

Strike: section 1 of the bill in its entirety

Renumber: subsequent section

4. Page 18, line 22.

Strike: "\$500"

Insert: "\$50 for a first offense, \$100 for a second offense, and
\$200 for a third offense. For a fourth or subsequent
offense a person may be fined an amount not to exceed \$300"

Amendments to House Bill No. 393
First Reading Copy

Requested by the Judiciary Committee
For the Committee on the Judiciary

Prepared by John MacMaster
February 13, 1989

1. Title, lines 5 through 7.

Strike: "CLARIFYING" on line 5 through "SUBSTANCE;" on line 7

Insert: "INCREASING THE PENALTY FOR A PERSON BETWEEN 18 AND 21
YEARS OF AGE WHO POSSESSES AN ALCOHOLIC BEVERAGE;"

2. Title, line 10

Strike: "SECTIONS 45-2-101 AND"

Insert: "SECTION"

)2

3. Page 1, line 13 through line 3 on page 19.

Strike: section 1 of the bill in its entirety

Renumber: subsequent section

4. Page 18, line 22.

Strike: "\$500"

Insert: "\$50 for a first offense, \$100 for a second, and \$200 for
a third. For a fourth or subsequent offense a person may be
fined an amount not to exceed \$300"